

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JP MORGAN CHASE BANK
NATIONAL ASSOCIATION,

Plaintiff,

CASE NO. 1:23-cv-1112

v.

HON ROBERT J. JONKER

JOHN W. HIGGINS, et al. ,

Defendants.

_____/

PROOF OF SERVICE

I hereby certify that on December 18, 2023, I caused to be served upon John W. Higgins and Martha R. Higgins notice of my withdrawal as their attorney in this cause of action. Also, I certify that on December 21, 2023, both Defendants John W. Higgins and Martha R. Higgins came to my office and personally acknowledged receipt of the attached letter from me dated December 18, 2023, including the Order of this Court dated December 18, 2023.

Dated: January 4, 2024

FARINA & WOJCIK, P.C.

/S/ John M. Wojcik
Attorney No. 10742-46
Attorney for Defendants

FARINA & WOJCIK, P.C.
Attorneys at Law
121 W. Merchant St.
New Buffalo, MI 49117
Phone: 269-469-0300
FAX: 269-469-2848
E-mail: jw@farinawojcik.com



John M. Wojcik

121 W. Merchant Street | New Buffalo, MI 49117

P: 269.469.0300 | F: 269.469.2848

jw@farinawojcik.com

December 18, 2023

Mr. John W. Higgins
50102 Alpine Boulevard
New Buffalo, MI 49117

RE: JP Morgan Chase v. John W. Higgins and Martha R. Higgins
U.S. District Court Case No. 1:23-cv-1112

Dear John,

As you are aware you and Martha stipulated and agreed that I could withdraw as your attorney in the above referenced mortgage foreclosure case that was filed against you by JP Morgan Chase. Enclosed is a copy of the Court Order issued today by the Honorable Judge Robert J. Jonker approving my withdrawal. My withdrawal as your attorney is conditioned upon personally serving this letter upon you.

As you can see from the enclosed order there are two key upcoming dates.

January 12, 2024:

On or before January 12, 2024 you must do one of the following:

1. File with the court a statement that you intend to proceed with your case pro se (i.e. acting as your own attorney) and specifying the address where you can be served with papers from the court or the other parties to the lawsuit against you, or
2. Have your new attorney who is admitted to bar of the U.S. District Court for the Western District of Michigan file an appearance in this case on your behalf.

If you fail to do one of the above two things by January 12, 2024 the Court will enter a default against you.



January 29, 2024

Assuming that you did what you were obligated to do on January 12, 2024, then you must appear in Court on January 29, 2024 at 11:00 a.m. EST in the courtroom of Judge Robert J. Jonker. The address of the court where the January 29, 2024 hearing will take place is the following:

Honorable Robert J. Jonker
Courtroom 699
Ford Federal Building
110 Michigan N.W.
Grand Rapids, MI

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "John M. Wojcik".

John M. Wojcik

Delivered to John W. Higgins by ELISABETH A. RETTIG on December 22, 2023

Receipt acknowledged by John W. Higgins.

A handwritten signature in blue ink, appearing to read "John W. Higgins".

John W. Higgins

Date of Receipt: December 22, 2023.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

v.

JOHN W. HIGGINS, et al.,

Defendants.

CASE NO. 1:23-cv-1112

HON. ROBERT J. JONKER

ORDER

The United States removed this foreclosure action from Berrien County Circuit Court based on its tax lien. The Court scheduled a Rule 16 for December 18, ECF No. 8, and counsel for the parties prepared and filed a Joint Status Report as directed by the Court. ECF No. 15. Counsel for individual parties John and Martha Higgins participated in preparation of the JSR for his clients but did not actually sign it. Instead, after conferring with other counsel and authorizing them to submit the JSR with his input, he filed a Motion to Withdraw as counsel, and his clients signed a stipulation agreeing to the withdrawal. ECF No. 14. After reviewing these items in preparation for the Rule 16, the Court decided to re-schedule the Rule 16 to a later date to ensure that the interests of the Higgins are appropriately represented at the Rule 16, assuming they wish to continue defending the matter either *pro se*, or through new counsel. ECF No. 17.

The record plainly reflects the desire of the Higgins parties and their counsel to part ways. What the record does not yet reflect is whether the Higgins plan to proceed *pro se*, and if so, what their service address is for the case. The Court also wants to ensure that the Higgins

realize that a decision to proceed *pro se* will require them to appear personally for all scheduled hearings, including the Rule 16 (now set for **January 29, 2024, at 10:00 a.m. in Grand Rapids**), and to follow the rules and orders of the Court in filing motions and other papers related to the case. A failure to appear and to proceed in accordance with the rules and orders of the Court may result in entry of default against them. It is also possible that the Higgins defendants may wish to continue their defense through other counsel, but then successor counsel will have to file an appearance on their behalf.

Accordingly, **IT IS ORDERED:**

1. Not later than **January 12, 2024**, John and Martha Higgins shall do one of the following:
 - a. file with the Court a statement indicating their intention to proceed *pro se*, and specifying their address for service of papers that the Court and the other parties file in the case; or
 - b. have new counsel who is admitted to the bar of this Court file an appearance on their behalf.
2. If John and Martha Higgins fail to accomplish one of the options specified in paragraph 1 by the deadline of January 12, 2024, the Court will enter a default against them.
3. Present counsel for the Higgins shall ensure that the Higgins defendants personally receive a copy of this Order and shall file a proof of service describing the means of service and satisfaction of this requirement. The Motion for leave to withdraw (ECF No. 14) is **GRANTED** but is **EFFECTIVE** only upon filing the proof of service required in this paragraph. Until such time, Attorney Wojcik remains counsel of record for John and Martha Higgins.

Dated: December 18, 2023

/s/ Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE



John M. Wojcik

121 W. Merchant Street | New Buffalo, MI 49117

P: 269.469.0300 | F: 269.469.2848

jw@farinawojcik.com

December 18, 2023

Mr. Martha R. Higgins
50102 Alpine Boulevard
New Buffalo, MI 49117

RE: JP Morgan Chase v. Martha R. Higgins and Martha R. Higgins
U.S. District Court Case No. 1:23-cv-1112

Dear Martha,

As you are aware you and John stipulated and agreed that I could withdraw as your attorney in the above referenced mortgage foreclosure case that was filed against you by JP Morgan Chase. Enclosed is a copy of the Court Order issued today by the Honorable Judge Robert J. Jonker approving my withdrawal. My withdrawal as your attorney is conditioned upon my personally serving this letter upon you.

As you can see from the enclosed order there are two key upcoming dates.

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1. File with the court a statement that you intend to proceed with your case pro se (i.e. acting as your own attorney) and specifying the address where you can be served with papers from the court or the other parties to the lawsuit against you, or
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110 Michigan N.W.
Grand Rapids, MI

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "John M. Wojcik".

John M. Wojcik

Delivered to Martha R. Higgins by ELISABETH A. RETTIG on December 22, 2023

Receipt acknowledged by Martha R. Higgins.

A handwritten signature in blue ink, appearing to read "Martha R. Higgins".

Martha R. Higgins

Date of Receipt: December 22, 2023.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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2. If John and Martha Higgins fail to accomplish one of the options specified in paragraph 1 by the deadline of January 12, 2024, the Court will enter a default against them.
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Dated: December 18, 2023

/s/ Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE